



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: February 4, 2009
AGENDA DATE: February 11, 2009
PROJECT ADDRESS: 1604 Loma Street (MST2006-00600)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Renee Brooke, AICP, Senior Planner *RLB*
Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 10,161 square foot project site is located on the corner of Loma and California Streets. Current development on site consists of a single family residence, a detached one-car and an attached two-car garage. The discretionary application required for this project is a Modification to permit new construction within the required twenty-foot (20') front yard setback (SBMC §28.18.060).

Date Application Accepted: January 26, 2009

Date Action Required: April 26, 2009

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project as submitted.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Keiran Maloney	Property Owner:	Same
Parcel Number:	027-152-014	Lot Area:	10,161
General Plan:	12 Units Per Acre	Zoning:	E-1/R-2
Existing Use:	One-Family Residence	Topography:	21%

Adjacent Land Uses:

North – One-Family Residence (2-story)
South – Loma Street

East - California Street
West – One-Family Residence (1-story)

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2,600 sf	2,600 sf
Garage	700 sf	700 sf
Accessory Space	N/A	N/A

C. PROPOSED LOT AREA COVERAGE

Building: 1,800 sf 17% Hardscape: 2,800 sf 28% Landscape: 5,561 sf 55%

IV. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Previously Existing	Proposed
Front Setback			
1st Story	15'	13'	13'
2 nd Story	20'	13'	13'

V. DISCUSSION

This project was reviewed by the Architectural Board of Review (ABR) on numerous occasions and most recently on January 26, 2009 where the ABR stated that Modification request for the higher roof encroachment within the front setback was acceptable due to no aesthetic impacts.

This project began as an application for a remodel and addition in 2005. However, the work in the field resulted in the complete demolition of the residence. During the rebuilding of what was intended to be a replacement of the original structure "in-like", field changes occurred to the structure. Larger roof rafters and two crib walls to support a Dutch hip roof element at the front of the residence resulted in an increase in the dormer size. Although the overall height of the building was only increased by 3", the roof pitch change from a 12 X 12 to a 10 X 12, which further constituted an alteration within the front setback. Because portions of the original residence were non-conforming to its front setbacks, any change to the non-conforming portions during the rebuild would require Modification approval. When it was brought to Staff's attention that changes had occurred within the setback, a stop work order was issued, and the applicant was advised of the necessity of a Modification approval.

Although Staff discourages use of the Modification process for "as-built" alterations, we take the position that the field changes that have occurred within the front setback are minor visual changes that do not intensify the use of this single family residence or cause impacts to the immediate neighbors. Staff is recommending support of this Modification request which will allow the applicant to continue on and complete construction of his residence.

VI. FINDINGS

The Staff Hearing Officer finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The increase in height is architecturally appropriate and does not result in intensification of use or impacts to the immediate neighborhood.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated January 26, 2009
- C. ABR Minutes Summary
- D. Neighborhood Letters

Contact/Case Planner: Roxanne Milazzo, Associate Planner
(rmilazzo@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470

Jan 26 '09

To whom it may concern,

the front roof line elevations
show they blend in at existing roof line.
This front entry roof line shows it
extends into the 1st. floor set back.
We would like legalize this field
change to make the architectural
drawings conform. This roof line
has been built as per design. The
area will be closed off so it will
not be included into the front set back.

Jeff LaTom

1604 LOMA STREET – RECENT ABR COMMENTS

September 22, 2008

Brian Hofer and Lori Kari, opposed. Sited overlarge mass, bulk and scale; and various encroachment and unpermitted issues which purportedly do not reflect the plans. A letter was also acknowledged by the Board.

An opposition letter from Paula Westbury was acknowledged by the Board.

A support letter from Paul Ortiz was acknowledged by the Board.

Motion: Continued indefinitely to the Staff Hearing Officer with return to Full Board with the following comments:

- 1) The Board finds the requested landscape improvements to be acceptable.
- 2) Applicant to ensure that the landscape plan complies with the landscape policy observing the required percentages where it is not allowed to exceed the amount of turf area as per City standards, and to show such on the plans.
- 3) Regarding the "as-built" alterations above the front entry, also identified as the laundry area where the attic used to be, the Board acknowledges that they previously approved the design for aesthetics prior to realization that the design was in the required setback. The Board, however, cannot provide support or positive comments for increasing the mass in that location as part of the modification request.

Action: Mosel/Gross, 5/0/2. Motion carried. (Manson-Hing and Sherry abstained/Zink absent.)

January 26, 2009

Note: These are DRAFT Minutes ONLY, pending approval 02/09/09:

Emily Griffin, supported: Approves of the aesthetics of the proposed project, but as it has been over 2 years that the current project has been under construction, she would like to see the Board approve more projects with families and owner occupied dwellings in the neighborhood that would finish construction in a more timely fashion.

The Board acknowledged staff's announcement that 8 letters of support from the neighborhood were received.

Motion: Continued indefinitely to the Staff Hearing Officer and back to the Consent Calendar with comments:

- 1) Modification request for roof encroachment into the setback is acceptable due to no aesthetic impact.
- 2) Applicant to note on plans the landscape compliance with the landscape policy observing the required percentages regarding turf allowance as per City standards.

Action: Gross/Aurell, 7/0/0. Motion carried. (Blakeley/Sherry absent).

LETTERS FROM INTERESTED PARTIES

EXHIBIT D

November 22, 2008

To the City of Santa Barbara:

My fiancé and I were asked to briefly convey our views about the construction project currently in progress at 1604 Loma Street. We have lived at the adjacent property for the past several years and have grown extremely fond of the neighborhood. We've gotten to know the Maloneys over the past 2 years and are very excited about the prospect of them becoming our neighbors. When they told me of their complications surrounding their attempt to build this home, we were deeply saddened for them

We, like, most Santa Barbarians, have no problem letting the city know if we feel that a structure may not be a proper fit for a certain location. This couldn't be further from the truth for this particular circumstance. My personal opinion is that when home is allowed to finally finish construction it will be by far one of the nicest houses in this part of town. It will also help raise the price of homes in the neighborhood which is something that is very important especially now during this home crisis.

After we talked with several neighbors, our community consensus has been unanimous:

1. The Maloney home looks and feels exactly the same as the house which previously stood on the site;
2. The ongoing delays in the construction are far worse to deal with than the prospect of having this home a few inches taller than the previous home (as stated by the city);
3. As the home sits uncompleted it is needlessly and wastefully forcing all of the demolition and construction to start all over again.

We truly hope that the Maloneys and the city of Santa Barbara can reach an agreement in a timely manner.

Thank you.

Charlie and Tommie

Charlie Calisti

Tommie Brause

727 California Street, Santa Barbara, CA 93103

Kevin Kemper
1814 Cleveland Ave.
Santa Barbara, CA 93103

November 19, 2008

City of Santa Barbara

RE: 1604 Loma St.

Dear City of Santa Barbara:

I am a neighbor of the project occurring at 1604 Loma St. and am writing to express my concern with the delay of this project.

The project has been at a complete standstill for the past few weeks and I am troubled that the project may never be finished. I have inquired with the owner regarding the delays and have learned that the original approvals for the project are being reviewed and may even be adjusted.

Though I understand that the City may have a right to correct errors in their earlier approvals, doing so on an almost complete project may limit the abilities of the owner from doing so. The project fits nicely in the neighborhood and certainly does not grossly violate ABR standards, particularly since they have not been noticed until this late stage.

To err is human and certainly City agencies are open to err as well but a common sense resolution must be reached when the correction costs of the error (time & construction costs) outweighs any minor benefit to adhering to the ABR standards.

Thank you for your time and I appreciate your consideration on this matter.

Best regards,



Kevin Kemper

Lyla & Alex Clyne

425 E. Valerio Street * Santa Barbara, CA 93101
805.682.7430

November 19, 2008

To The City of Santa Barbara:

RE: 1604 Loma Street

We have lived in the upper east neighborhood near the above address for more than 5 years. I am writing this letter to express my disbelief regarding the stagnation of the construction at 1604 Loma Street.

I am a mother of 2 girls, one in nursery school and one at home with me. Dylan, my 3 year old, and I walk everyday through the neighborhood. There are so many beautiful homes in our 5 block radius (and some homes that are in dire need of a face-lift!)

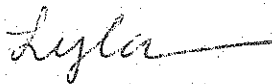
Nevertheless, I have been following the construction progress of 1604 Loma St. for the past 2 years and really like the outcome to date. It is a beautiful structure, and, upon completion, I believe that it that will definitely add value to the entire neighborhood. However, in the past 4 weeks during our walks, I've noticed that this home has not had any workers on site and no progress has been made. In brief conversations with the contractor and its owners, the Maloneys, it seems apparent this house could sit for months because of a snafu with the city (I'm not sure which department to address). This is truly disconcerting to me as I believe this house is a great asset to our neighborhood visually and architecturally.

In this difficult economic and mortgage meltdown, it is a crime to have my neighbors miss the opportunity to build their dream home when all permits have been granted and what has been built is in compliance. The prior home although lovely, was dated and in disrepair and we feel grateful the Maloney family took it upon themselves to buy it and take on its renovation.

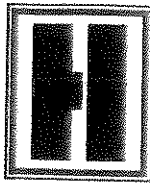
I support the Maloneys and request that the permit be re-granted and the project proceed through completion.

Thank you for your consideration in this very important matter and I'm available to discuss this at any time

Sincerely,



Lyla and Alex Clyne



Howard Hawkes
1814 Cleveland Ave.
Santa Barbara, CA 93103
(805)895-6803

November 19, 2008

City of Santa Barbara

Dear City of Santa Barbara:

I am writing regarding the project at 1604 Loma St. It seems as though some time has passed without any progress and I gather this is not due to the owner's willingness, nor their ability. As a nearby property owner, I would like to see this project completed as soon as possible.

I believe the height, scale and overall design are compatible with the neighborhood and the house looks quite nice. It is my understanding that this house has gone through a design review and had multiple "progress" inspections. What I do not understand is how the subject property is under scrutiny at this stage. As taxpayers and homeowners we trust the City, ABR etc. to make appropriate decisions and approvals regarding development and it is quite disappointing to learn that these decisions and approvals can be changed at the homeowners and neighborhoods expense.

Please let the homeowner proceed with their approved plans and get this beautiful home completed.

Sincerely,

Howard Hawkes
1814 Cleveland Ave.
Santa Barbara, CA 93103

November 19, 2008

Paul and Jennifer Ortiz
1612 Loma Street
Santa Barbara, CA 93103

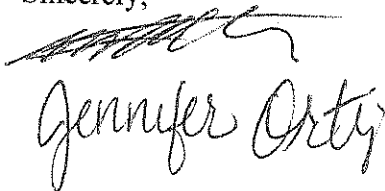
City of Santa Barbara

Dear Sir or Madam:

We live directly next door to the home being built at 1604 Loma Street. We have seen the house under construction for the past two years with no negative impact to the neighborhood, and would like to see the home finished. The construction has gone on far too long. We see no problems with the height of the home. Visually the home is not much different from the house that was there before.

We very much look forward to Kieran, Amy, and there two daughters being able to move into there home in the very near future.

Sincerely,



Jennifer Ortiz

Barbara Davis
1535 Olive Street, Apt. A
Santa Barbara, CA 93101

November 19, 2008

Santa Barbara Planning Department
RE: 1604 Loma Street

To Whom It May Concern:

I live down the block from 1604 Loma Street and have been following the build since the beginning. I understand there is a controversy regarding the ability to complete the construction of this home that is causing the parties involved much anguish. For what it is worth I believe I have an educated aesthetic perspective. I've seen the plans, I've walked through the house as it exists now and see a very promising contribution to our neighborhood. In my opinion, it is visually very similar to the prior house and the renovations will only make it better. I also understand that before the new construction began the prior existing structure was unsound due to poor construction and decaying materials.

Considering all of the single family homes that are being purchased in the area for the sole purpose of tearing them down so the lot can be turned into condos purely for a profit, I find it very disappointing that the city would spend its resources and time preventing a young family with strong ties to the community from completing the renovation of their home.

I am therefore requesting you permit the owners to complete this project according to their plan.

Thank you very much and feel free to contact me at any time to discuss this matter further.

A handwritten signature in black ink, appearing to read 'Barbara Davis', with a stylized, flowing script.

Barbara Davis
805.637.4176

11/1/08

To whom it may concern:

In referring to the property of Kieran and Amy Maloney on the corner of Loma and California Streets I see no objection thereto, as the design is in the keeping of the Tudor tradition and actually enhances that part of the neighborhood, thus increasing property values.

I drive by almost every day and enjoy watching a positive change near my home.

As an interested neighbor I hope to see the project's conclusion at an early date.

Yours truly -

Cornelius Anderson

Dear City of Cambridge,

C We are writing to request that the city do all it can to speed the completion of the home currently under construction at 1604 Loma. The design looks very attractive and I am looking forward to driving by a finished house. — Not a construction zone. Our neighborhood can use all the

corner occupied family homes it can
get — please expedite this project!

We like the design, the height
is not obtrusive — unlike a project
that is nearing completion across the
street from us, and the overall
look of the house is quite charming.
Please move this project (look today)
forward!!

If you have any questions please
call me at home 906-6104. Very Sincerely,
Emily Griffin

22 September 2008

Architectural Board of Review
City of Santa Barbara
630 Garden Street
Santa Barbara CA 93101

Ref. 1604 Loma St, Review after Final

To the Board Members of ABR and Planning Staff

The remodel and addition of this residence located on a prominent hillside corner of Loma and California Streets has progressively become more aggressive with its mass, bulk, and scale up to this time.

In 2005, it was a remodel, addition of subterranean two car garage, and small addition to a modest, euro-country style home.

Since that time, the house has been completely demolished and rebuilt considerably larger and taller than was originally permitted. There have been inconsistencies with presentation of updated drawings to Planning, ABR, and the Building Department.

Highlights of these inconsistencies are listed below:

- Square footage of the property has been listed as 10,671 [MST-2005-00039] and 10,160 [MST 2006-00600].

The drawing shows the property as approx. 8,000 based on the site plan property boundaries as submitted by the applicant.

MST 2003-00815 is a proposal to do a lot line adjustment between 1604 Loma and 1603 Oramas transferring 2,600 s.f. to the Oramas property. The case is apparently not closed.

Therefore it is reasonable to assume that they can transfer the property at a later date and the FAR of the building will increase significantly.

- The FAR of this building requires additional scrutiny as for its accuracy, and that certain square footage show as attic could become habitable.
- The building has grown both in width and height within both front yard setbacks, but especially on the Loma Street frontage [5 foot encroachment]. The new two story entry in the setback has created an even more significant impact with mass, bulk and scale. Allowing this addition with encroachment into the setback is beyond reasonable planning.
- The eave and rake overhangs in the setback are built at two feet deep. The permitted plans show a 12" deep overhang on all rebuilt portions of the house.
- The additional wood corbels and shelving at the windows are currently under construction and have not been permitted. They add even more encroachment into the setback.

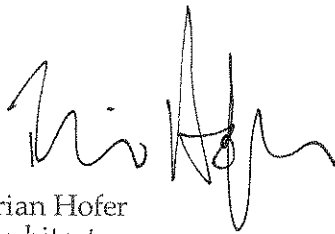
- There is an approximately 3'-6" high wall on the top of the garage facing Loma St. The permit plans show a low curb with landscaping on the roof of the garage. It appears to have become a patio which encroaches in the California St front yard setback.
- We are not sure if the open yard requirement is being met, due to the terracing of walls in the rear yard.

We request the Planning staff and ABR's attention to these issues. We are opposed to allowing a Modification for the two story entry and the wall above the garage encroaching into the front yard setbacks.

Respectfully submitted,



Lori Kari
Architect, AIA



Brian Hofer
Architect

cc. Roxanne Milazzo, Planning
Michelle Badart, ABR Liaison

JAIME LIMON